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8 Attorneys for Defendant,  
9 *KEY INSURANCE COMPANY*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**  
12

13 LUCIA COVARRUBIAS, an Individual,  
14 MARIA DE JESUS RODRIGUEZ, an  
Individual, ESTATE OF OSCAR  
15 ALFREDO AYALA, Individually and as  
Assignees of PABLO C. TORRES-  
16 ESPARZA

17 Plaintiff,

18 vs.

19 KEY INSURANCE COMPANY, and  
20 DOES I - V, and ROE CORPORATIONS  
I - V, inclusive,  
21

22 Defendants.

CASE NO.: 2:23-cv-00291-APG-DJA

23 **STIPULATION TO EXTEND TIME FOR DISCOVERY**  
24 **(THIRD REQUEST)**

25 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs LUCIA  
26 COVARRUBIAS, MARIA DE JESUS RODRIGUEZ, and the ESTATE OF OSCAR  
27 ALFREDO AYALA and their counsel of record, David F. Sampson, Esq., of the Law Offices of  
28 David Sampson, and Defendant KEY INSURANCE COMPANY, through its counsel of record

James P.C. Silvestri, Esq., and Ali R. Iqbal, Esq., of the law firm Pyatt Silvestri, that the close of discovery shall be extended for the limited purpose of completing the 30(b)(6) deposition of Defendant's witness, pursuant to L.R. 26-3. This is the third request made by the parties. The parties set forth the following information in support of their stipulation.

**a) Statement Specifying the Discovery Completed.**

Plaintiffs made their initial disclosures as required by FRCP 26(a)(1) on April 25, 2023, a supplemental disclosure on June 21, 2023, a second supplemental disclosure on August 11, 2023, a third supplemental disclosure on August 17, 2023, and a fourth supplemental disclosure on November 6, 2023. Defendant made its initial disclosures as required by FRCP 26(a)(1) on April 5, 2023, a supplemental disclosure on May 25, 2023, a second supplemental disclosure on June 20, 2023, a third supplemental disclosure on October 20, 2023, and a fourth supplemental disclosure on October 27, 2023.

On April 25, 2023, Plaintiffs served their first sets of Interrogatories and Requests for Production of Documents on Defendant. On May 25, 2023, Defendant responded to Plaintiffs' Interrogatories and Requests for Production of Documents. On June 22, 2023, Defendant served supplemental responses to Plaintiffs' Requests for Production of Documents and supplemental Answers to Plaintiffs' Interrogatories. On July 14, 2023, Defendant served their first sets of Interrogatories, Requests for Production of Documents, and Requests for Admissions to Plaintiffs. Defendant has requested the availability of Plaintiffs for depositions. On August 17, 2023, Plaintiffs answered Defendant's first set of written discovery.

On September 12, 2023, the parties submitted a stipulated confidentiality and protective order. On October 23, 2023, Defendant served its Initial Designation of Expert Witness and Disclosure. On October 27, 2023, Defendant provided its second supplemental responses to Plaintiff's Requests for Production of Documents. On November 9, 2023, Plaintiff served their second set of Request for Production of Documents to Defendant, On December 8, 2023, Defendant provided responses. On January 16, 2024, Plaintiff took the deposition of Defendant's retained expert, Ed McKinnon.

**b) Discovery That Remains to Be Completed.**

The deposition of Preston Rezaee, Esq., is set for Friday, March 15, 2024. The deposition

1 of Erika Cervantes is set for March 19, 2024.

2 Plaintiff served their 3rd amended notice of deposition of Defendant's FRCP 30(b)(6)  
3 witness on January 30, 2024, to be taken on March 14, 2024. Defendant's witness had to undergo  
4 an emergency surgery which has caused the parties to move the deposition outside of the  
5 discovery period. The parties agree to set this deposition on April 4, 2024.

6 The extension is necessary so the parties can conduct further discoveries and requests  
7 time to do that is beyond the current close of discovery. Plaintiffs have asked to depose, and have  
8 set the depositions of, the Defendant's 30(b)(6) witness as well as Defendant's expert.

9 **c) Reasons Discovery Was Not Completed Within the Time Limits and Needs to Be**  
10 **Extended**

11 The parties are making a request to extend the discovery deadline to a limited capacity to  
12 accommodate the deposition of Defendant's 30(b)(6) witness. The witness had to undergo an  
13 emergency surgery and cannot undergo the deposition as scheduled for March 14, 2024. The  
14 parties have discussed moving the deposition date outside of the current close of the discovery  
15 deadline, March 20, 2024, to accommodate the witness's availability. No other deadline will be  
16 moved.

17 Pursuant to FRCP 6(b)(1)(A), and specifically LR 26-3, "a stipulation to extend any date  
18 set by the discovery plan, scheduling order, or other order must....be supported by a showing of  
19 good cause for the extension. A...stipulation to extend a deadline set forth in a discovery plan  
20 must be received by the court no later than 21 days before the expiration of the subject deadline.  
21 A request made within 21 days of the subject deadline must be supported by a showing of good  
22 cause. A request made after the expiration of the subject deadline will not be granted unless the  
23 movant also demonstrates that the failure to act was the result of excusable neglect."

24 Here, the discovery deadline closes on March 20, 2024. There exists good cause for the  
25 extension of the discovery deadlines and this Request is being made before the close of the  
26 discovery deadline. Although this request is being made within the 21 days before the close of  
27 discovery, the parties are merely addressing a scheduling issue. Therefore, there exists excusable  
28 neglect because an emergency surgery of the witness was not anticipated by either of the parties.

d) **Proposed Schedule for Completing All Remaining Discovery**

In order to allow time for the parties to resolve and complete additional necessary discovery before they exchange expert reports, the parties wish to extend existing deadlines by 90 days, for good cause as demonstrated above, as follows:

	<u>Current Date</u>	<u>Proposed Date</u>
Amend Pleadings and Add Parties	Closed	Closed
Initial Expert Disclosures	Closed	Closed
Rebuttal Expert Disclosures	November 21, 2023	Closed
Close of Discovery	March 20, 2024	<b>April 4, 2024<sup>1</sup></b>
Dispositive Motions	April 19, 2024	April 19, 2024
Joint Pretrial Order	May 20, 2024 <sup>2</sup>	May 20, 2024 <sup>3</sup>

Based on the foregoing, the parties respectfully request this Court grant their Stipulation an Order to Extend Discovery Deadlines (Third Request).

Respectfully Submitted this 13<sup>th</sup> day of March 2024.

**PYATT SILVESTRI**

**LAW OFFICES OF DAVID SAMPSON**

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<sup>1</sup> The deadline is being extended for the sole purpose of the 30(b)(6) deposition of Defendant, Key Insurance Company.

<sup>2</sup> The actual date falls on a Sunday, March 19, 2024.

<sup>3</sup> The actual date falls on a Sunday, March 19, 2024.

**ORDER**

IT IS SO ORDERED that the parties' stipulation to extend time for discovery (ECF No. 31) is GRANTED.

DATED: 3/14/2024



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE